

# Exhibit A

**STATE OF WISCONSIN****CIRCUIT COURT****MILWAUKEE**

MAGDA QUESADA et al vs. WALMART, INC. et al

**Electronic Filing  
Notice**

Case No. 2021CV006829

Class Code: Other-Personal Injury

**FILED****11-04-2021****John Barrett****Clerk of Circuit Court****2021CV006829****Honorable Hannah C.****Dugan-31****Branch 31**

WALMART, INC.  
702 SW 8TH STREET, #0555  
BENTONVILLE AR 72716-0555

Case number 2021CV006829 was electronically filed with/converted by the Milwaukee County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

**Pro Se opt-in code: 9abe9a**

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 414-278-4120.

Milwaukee County Circuit Court  
Date: November 5, 2021

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WAL-MART REAL ESTATE BUSINESS TRUST  
702 SW 8TH STREET, #0555 TAX DEPT  
BENTONVILLE AR 72716-0555

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STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

MAGDA QUESADA  
9129 W. Allerton  
Greenfield, Wisconsin 53228

-and-

LUIS QUESADA  
9129 W. Allerton  
Greenfield, Wisconsin 53228

Plaintiffs,

-and-

DENIS McDONOUGH, SECRETARY  
OF THE UNITED STATES DEPARTMENT  
OF VETERANS AFFAIRS  
Civilian Health and Medical Program of the  
Department of Veterans Affairs  
810 Vermont Avenue NW,  
Washington, DC 20420  
c/o US Attorneys Office Eastern District Civil  
517 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202

Involuntary Plaintiff,

-vs.-

WALMART, INC.  
702 SW 8th Street, #0555  
Bentonville, Arkansas 72716-0555

WAL-MART REAL ESTATE BUSINESS TRUST  
702 SW 8th Street, #0555 Tax Dept  
Bentonville, Arkansas 72716-0555

WAL-MART STORES EAST, LP  
702 SW 8th Street, #0555  
Bentonville, Arkansas 72716-0555

DANE COUNTY LEGAL NOTICE  
SERVED BY: Mike Foley  
ON 11/10/21 AT 15:25 M

Case No.: \_\_\_\_\_

Case Code: 30107

Case Classification: PERSONAL  
INJURY--OTHER

ABC INSURANCE COMPANY  
a fictitious name for an unknown  
insurance company.

-and-

DEF INSURANCE COMPANY  
a fictitious name for an unknown  
insurance company.

Defendants.

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**SUMMONS**

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**THE STATE OF WISCONSIN**, To each person named as a Defendant:

You are hereby notified that the Plaintiffs named above have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is Clerk of Circuit Court, Milwaukee County Courthouse, 901 N. Ninth Street, Milwaukee, Wisconsin 53233, and to Jon D. Monson, attorney for the Plaintiff, whose address is Schott, Bublitz & Engel s.c., 640 West Moreland Boulevard, Waukesha, Wisconsin 53188. You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the Court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be

incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

Dated this 5<sup>th</sup> day of November, 2021.

Respectfully submitted,

/s/ Electronically signed by Jon D. Monson

Jon D. Monson

State Bar #: 1037976

Attorneys for Plaintiffs, Magda Quesada and  
Luis Quesada

SCHOTT, BUBLITZ & ENGEL S.C.

640 W. Moreland Boulevard

Waukesha, WI 53188

(262) 827-1700

(262) 827-1701-Fax

[jmonson@sbe-law.com](mailto:jmonson@sbe-law.com)

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**John Barrett**  
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STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

MAGDA QUESADA  
9129 W. Allerton  
Greenfield, Wisconsin 53228

-and-

LUIS QUESADA  
9129 W. Allerton  
Greenfield, Wisconsin 53228

Plaintiffs,

-and-

DENIS McDONOUGH, SECRETARY  
OF THE UNITED STATES DEPARTMENT  
OF VETERANS AFFAIRS  
Civilian Health and Medical Program of the  
Department of Veterans Affairs  
810 Vermont Avenue NW,  
Washington, DC 20420  
c/o US Attorneys Office Eastern District Civil  
517 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202

Case No.: \_\_\_\_\_

Case Code: 30107

Case Classification: PERSONAL  
INJURY--OTHER

Involuntary Plaintiff,

-vs.-

WALMART, INC.  
702 SW 8th Street, #0555  
Bentonville, Arkansas 72716-0555

WAL-MART REAL ESTATE BUSINESS TRUST  
702 SW 8th Street, #0555 Tax Dept  
Bentonville, Arkansas 72716-0555

WAL-MART STORES EAST, LP  
702 SW 8th Street, #0555  
Bentonville, Arkansas 72716-0555

ABC INSURANCE COMPANY  
a fictitious name for an unknown  
insurance company.

-and-

DEF INSURANCE COMPANY  
a fictitious name for an unknown  
insurance company.

Defendants.

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**COMPLAINT**

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**NOW COME** the above-named Plaintiffs, MAGDA QUESADA and LUIS QUESADA, by their attorneys, Schott, Bublitz & Engel s.c., and as and for their Complaint against the Defendants, WALMART, INC., WAL-MART REAL ESTATE BUSINESS TRUST, WAL-MART STORES EAST, LP., ABC INSURANCE COMPANY and DEF INSURANCE COMPANY, allege and show to the Court as follows:

1. That the Plaintiff, MAGDA QUESADA, is an adult resident currently residing at 9129 W. Allerton, in the City of Greenfield, County of Milwaukee, State of Wisconsin, and at all times relevant hereto has been a resident of the State of Wisconsin.

2. That the Plaintiff, LUIS QUESADA, is an adult resident currently residing at 9129 W. Allerton, in the City of Greenfield, County of Milwaukee, State of Wisconsin, and at all times relevant hereto has been a resident of the State of Wisconsin. LUIS QUESADA is the husband of MAGDA QUESADA.

3. That at the present time, the Involuntary Plaintiff, DENIS McDONOUGH, Secretary of the United States Department of Veterans Affairs, has oversight responsibility for the agency responsible for administering the federal Civilian Health and Medical Program of the Department of Veterans Affairs; that upon information and belief, the Civilian Health and Medical Program of the Department of Veterans Affairs may have paid health claims on behalf of MAGDA QUESADA for medical care and services rendered as a result of injuries she sustained as hereinafter set forth; that pursuant to 38 U.S.C. § 1729 and 42 U.S.C. § 2651, the Civilian Health and Medical Program of the Department of Veterans Affairs may be entitled to reimbursement for related paid claims if the Plaintiff recovers through settlement or judgment; that the Plaintiff asserts no claim against the United States, its agencies or employees.

4. That upon information and belief, the Defendant, WALMART, INC., is a foreign business corporation, licensed to do and engaged in the business of retail sales within the State of Wisconsin and Milwaukee County, with a Registered Agent of CT Corporation System, 301 S. Bedford Street. Suite 1, Madison, Wisconsin 53703, and at all times material hereto, said Defendant was the owner and/or operator of the Walmart store in Milwaukee, and was the owner of the commercial property and store location at 3355 South 27<sup>th</sup> Street, Milwaukee, Wisconsin 53215.

5. That upon information and belief, the Defendant, WAL-MART REAL ESTATE BUSINESS TRUST, is a foreign business corporation, licensed to do and engaged in business within the State of Wisconsin and Milwaukee County, with a Registered Agent of CT Corporation System, 8040 Excelsior Drive, Suite 200,

Madison, Wisconsin 53717, and at all times material hereto, said Defendant was the owner and/or operator of the Walmart store in Milwaukee, and was the owner of the commercial property and store location at 3355 South 27<sup>th</sup> Street, Milwaukee, Wisconsin 53215.

6. That upon information and belief, the Defendant, WAL-MART STORES EAST, LP, is a foreign business corporation, licensed to do and engaged in the business of retail sales within the State of Wisconsin and Milwaukee County, with a Registered Agent of CT Corporation System, 301 S. Bedford Street. Suite 1, Madison, Wisconsin 53703 and at all times material hereto, said Defendant leases the building from Defendant, WAL-MART REAL ESTATE BUSINESS TRUST, and operates the store dba Walmart at 3355 South 27<sup>th</sup> Street, Milwaukee, Wisconsin 53215.

7. That Defendant, ABC INSURANCE COMPANY is a fictitiously named insurer licensed to do business in the State of Wisconsin and at all times material to this action had in effect a policy of liability insurance providing liability coverage to Defendants WALMART, INC., WAL-MART REAL ESTATE BUSINESS TRUST and/or WAL-MART STORES EAST, LP.

8. That Defendant, DEF INSURANCE COMPANY is a fictitiously named insurer licensed to do business in the State of Wisconsin and at all times material to this action had in effect a policy of liability insurance providing liability coverage to Defendants WALMART, INC., WAL-MART REAL ESTATE BUSINESS TRUST and/or WAL-MART STORES EAST, LP.

**FIRST CAUSE OF ACTION: NEGLIGENCE**

9. That upon information and belief, on or about November 6, 2018, Plaintiff MAGDA QUESADA was shopping at the Walmart store location at 3355 South 27<sup>th</sup> Street, Milwaukee, Wisconsin, owned and operated by Defendants WALMART, INC., WAL-MART REAL ESTATE BUSINESS TRUST and/or WAL-MART STORES EAST, LP when she was severely injured when she slipped and fell on grapes on the floor which had not been cleared or removed from the floor for the safety of customers and frequenters, including the Plaintiff, MAGDA QUESADA.

10. That the Defendants WALMART, INC., WAL-MART REAL ESTATE BUSINESS TRUST and/or WAL-MART STORES EAST, LP, their agents and/or employees/servants, were negligent in failing to properly and timely inspect the premises and take reasonable steps to clear, maintain and warn against unsafe conditions for the safety of customers and frequenters to the premises, including the Plaintiff, MAGDA QUESADA, and in otherwise failing to provide reasonably sufficient and safe accommodations.

11. That as a direct and proximate cause of the negligence of the Defendants WALMART, INC., WAL-MART REAL ESTATE BUSINESS TRUST and/or WAL-MART STORES EAST, LP their agents and/or employees/servants, and the resultant slip and fall, the Plaintiff, MAGDA QUESADA, sustained serious and permanent injuries, including, but not limited to, injuries to her foot and hip, and has and will continue to endure pain and suffering, has and will continue to incur medical expenses for her care and treatment, has and will continue to experience a

loss of earning capacity, and has and will continue to suffer a diminished capacity to fully enjoy life, all to her past and future harm and damage.

12. As a direct result the negligence of Defendants WALMART, INC., WAL-MART REAL ESTATE BUSINESS TRUST and/or WAL-MART STORES EAST, LP and breaches of their duties, the Plaintiff has incurred damages, including severe injuries to her body, severe pain, suffering, disability, along with emotional distress, lost earning capacity and medical and related expenses and bills and a loss of society and companionship to Plaintiff, LUIS QUESADA, in an amount to be determined at trial.

**SECOND CAUSE OF ACTION: SAFE PLACE STATUTE**

13. Plaintiffs reallege and reassert the facts set forth in paragraphs 1 through 12 as if more fully set forth herein.

14. Upon information and belief, at all times material hereto, the premises located at 3355 South 27<sup>th</sup> Street, Milwaukee, Wisconsin, 53215, owned and operated by Defendants WALMART, INC., WAL-MART REAL ESTATE BUSINESS TRUST and/or WAL-MART STORES EAST, LP and the business conducted at that location by Defendants WALMART, INC., WAL-MART REAL ESTATE BUSINESS TRUST and/or WAL-MART STORES EAST, LP were places of employment and/or a public building within the meaning of Wisconsin's Safe Place Statute, Chapter 101, et seq., and each and every one of the Defendants herein had a non-delegable duty to keep the premises in as safe a condition as the nature of the place would reasonably permit for employers, employees, customers, business invitees and frequenters, including the Plaintiff, MAGDA QUESADA.

15. That on or about November 6, 2018, the Defendants WALMART, INC., WAL-MART REAL ESTATE BUSINESS TRUST and/or WAL-MART STORES EAST, LP their agents and/or employees/servants, had actual or constructive notice of the hazard posed to customers and frequenters to the commercial property and retail store premises by grapes spilled on the floor of the property, and failed to keep and maintain the premises in as safe a condition as the nature of the place would reasonably permit in violation of the Wisconsin Safe Place Statute.

16. That as a direct and proximate cause of said Defendants' violation of the Wisconsin Safe Place Statute, the Plaintiff, MAGDA QUESADA, suffered the above-described injuries and damages.

17. That as a result of WALMART, INC.'S, negligence, the Plaintiff has incurred damages, including severe injuries to her body, severe pain, suffering, disability, along with emotional distress, lost earning capacity and medical and related expenses and bills and a loss of society and companionship to Plaintiff, LUIS QUESADA, in an amount to be determined at trial.

**WHEREFORE**, the Plaintiffs demand judgment against the above-named Defendants, and each of them, jointly and severally, and seek relief related to the Subrogated Plaintiff, as follows:

- A. Damages for Plaintiff, MAGDA QUESADA's past medical expenses and for all of the Plaintiff, MAGDA QUESADA's future medical expenses caused by Defendant's actions;

- B. Damages for past and future pain and suffering and for loss of consortium and loss of wages and/or earning capacity in an amount to be determined by the jury;
- C. Statutory costs and attorney fees;
- D. A declaratory judgment against the Involuntary Plaintiff that it has no interest in this matter; and
- E. Such further relief as the Court deems fair and equitable and as applicable.

**THE PLAINTIFFS HEREBY FURTHER DEMAND TRIAL OF THE ABOVE  
ACTION BY A JURY OF TWELVE PERSONS.**

Dated this 4<sup>th</sup> day of November, 2021.

Respectfully submitted,

/s/ Electronically signed by Jon D. Monson

Jon D. Monson

State Bar #: 1037976

Attorneys for Plaintiffs, Magda Quesada and  
Luis Quesada

SCHOTT, BUBLITZ & ENGEL S.C.

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